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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ANDREW T. WHITEHOUSE,
Defendant.

Case No. 2:20mj397 CMR

COMPLAINT

Judge Cecilia M. Romero

Before the Honorable Cecilia M. Romero, United States Magistrate Court Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I
21 U.S.C. § 841(a)(1)
[Distribution of Heroin]

On or about October 7, 2018, in the Central Division of the District of Utah,

ANDREW T. WHITEHOUSE,

the defendant herein, did attempt to knowingly and intentionally distribute heroin, a schedule I controlled substance within the meaning of 21 U.S.C. § 812; all in violation of 21 U.S.C. § 841(a)(1), and punishable pursuant to 21 U.S.C. § 841(b)(1)(C).

COUNT II
18 U.S.C. § 2252A(a)(5)(B)
[Possession of Child Pornography]

Between 2012 and continuing through 2019 in the Central Division of the District of Utah,

ANDREW T. WHITEHOUSE,

defendant herein, did knowingly possess any material which contains an image of child pornography, as defined in 18 U.S.C. § 2256(8), that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, and which images were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer, and attempted to do so; all in violation of 18 U.S.C. § 2252A(a)(5)(B).

COUNT III
18 U.S.C. § 2252A(a)(2)(A), (B) and (b)(l))
[Distribution of Child Pornography]

In 2019, in the Central Division of the District of Utah,

ANDREW T. WHITEHOUSE,

defendant herein, did knowingly distribute any child pornography, and material that contained child pornography, as defined in 18 U.S.C. § 2256(8) that had been shipped

and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so; all in violation of 18 U.S.C. § 2252A(a)(2)(A), (B), and (b)(1).

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

I, Jason R. Spencer, being duly sworn, state as follows:

BACKGROUND AND QUALIFICATIONS

1. I am a sworn law enforcement officer for the Tooele City, Utah, Police Department, and have been so for over 9 years. I have been assigned to the Drug Enforcement Administration (DEA) Metro Narcotics Taskforce, Denver Division, Salt Lake City District Office, Utah, as a DEA Task Force Officer (TFO) since July 2018. During that same time, I was deputized as a TFO pursuant to the authority granted to the Attorney General by Public Law 99-570, Section 1869, and delegated to the Administrator of the DEA, pursuant to Title 28, Code of Federal Regulations, subpart R, Section 0.100, et. seq. I have received training related to homicide, missing persons, domestic violence, sex crimes, property offenses, narcotics trafficking, and general crime scene investigations. I have personally been the case agent and investigated Drug Trafficking Organizations (DTO). Additionally, I serve in a specialized law enforcement Major Crimes Task Force for Tooele County, Utah. I also serve as a SWAT officer, and am currently the SWAT Team Leader for Tooele City. I hold several instructor certifications in my role as SWAT Team Leader including the following: Basic Shield Instructor, Less Lethal Impact Munitions

Instructor, Chemical Munitions Instructor, O.C. Aerosol Instructor, and Distraction Device Instructor.

2. As a police officer, I am authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

3. I have participated in the investigation detailed in this affidavit. I am familiar with all aspects of this investigation. This affidavit is for the limited purpose of establishing probable cause for the proposed complaint. I make it based upon my personal knowledge derived from my participation in this investigation, as well as conclusions from conversations with other law enforcement personnel. I am not submitting every detail of this investigation – only the facts sufficient to establish probable cause for the complaint. My interpretations of certain statements and conversation below are in brackets and are based on my training and experience and knowledge of this investigation.

VIOLATIONS

4. This affidavit is in support of a complaint charging Andrew T. WHITEHOUSE with 21 U.S.C. § 841(a)(1) – distribution of heroin, a schedule I controlled substance; 18 U.S.C. § 2252A(a)(2) – distribution of child pornography; and 18 U.S.C. § 2252A(a)(5)(B) – possession of child pornography.

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PROBABLE CAUSE RE: DISTRIBUTION OF HEROIN

5. On October 7, 2018, officers from the Tooele City Police Department responded to a Tooele residence on a dispatched call for a male who was unconscious and not breathing. The father of the victim believed that J.B. had died from a narcotic overdose. Tooele City officers and emergency medical technicians found J.B. in a bathroom. They were unable to revive him.

6. Officers located and recovered a used syringe in the bathroom sink (with what appeared to be heroin residue), and J.B. had a corresponding needle mark on his right wrist. They also found a small baggie (commonly used to store user amounts of heroin) in the immediate area, and a digital scale. They also found a cell phone on J.B.'s person.

7. A medical examiner later determined that J.B. died of "mixed drug and alcohol intoxication," which drugs included heroin metabolites (morphine and 6-monoacetylmorphine) and a by-product of heroin production (codeine).

8. The phone on J.B.'s person contained a text message conversation between J.B. and a person identified as "Andrew" with the phone number [REDACTED] 0655 (WHITEHOUSE's Phone).¹ The conversation began in the early hours of October 7, 2018, with J.B. asking Andrew for narcotics at 2:33 a.m.² The conversation continued – with 34 messages sent between J.B. and

1 A database search connected WHITEHOUSE's Phone to WHITEHOUSE.

2 J.B.'s phone indicates that he messaged two others asking for narcotics at around the same time he sent the initial message to WHITEHOUSE's Phone (2:33 a.m.). Neither of the others responded to J.B.

WHITEHOUSE's phone (as well as 11 calls back and forth) – until about 4:30 a.m. A sample of the messages are included in the chart below:

<u>TIME</u>	<u>SENDER</u>	<u>RECEIVER</u>	<u>MESSAGE</u>
2:33 to 2:49 a.m.	J.B.	WHITEHOUSE	“You haven” “what up” “yo” [Do you have narcotics to purchase?]
2:49 a.m.	WHITEHOUSE	J.B.	“What’s good” “How much” [How are you? How much narcotics do you need?]
2:49 to 2:59 a.m.	J.B.	WHITEHOUSE	“Your Hebrew” “Have” “A Half” “I’ll give you the dough and a scale if you can run it by” “I have 50 and a scale for a half can you do it or no” [I have \$50 and a scale to trade for half a gram of narcotics]
3:00 a.m.	WHITEHOUSE	J.B.	“Yeah brotha I can do that for ya then” [Yes, I can bring you the narcotics for the money and scale]
3:01 to 3:07 a.m.	J.B.	WHITEHOUSE	“How’ long cause my girl is Here” “Ans she can’t know” “Hore king” [How long until you are here?]
3:07 a.m.	WHITEHOUSE	J.B.	“Just bout to get it right now bro” [I’m just about to pick up the narcotics]
3:07 to 3:32 a.m.	J.B.	WHITEHOUSE	“How” “K home lolling till you’re Herrera” “Cam you do it’s” “Are you going to be here sooner” “Hey I need van ion don’t it or m” [How long until you’re here? Can you get the narcotics? I need narcotics can you get it or no?]
3:36 to 3:42 a.m.	WHITEHOUSE	J.B.	“Yeah I’ll be there in like 5-10 brotha” “is that cool” [I’ll be there in 5-10 minutes, is that ok?]
3:43 a.m.	J.B.	WHITEHOUSE	“yeah that’s coolio vine” “Coolio” [Yes -- cool]
3:50 a.m.	WHITEHOUSE	J.B.	“Yeah bud was just waiting for her to get back inside fuck sorry I’m hurrying” [I was just waiting to get the narcotics, I’m trying to hurry]
3:52 to 3:53 a.m.	J.B.	WHITEHOUSE	“Yeah dude imdyillnditting here esitjimg” “Are you going to be here sooner” [I’m just sitting here eating, are you going to be here soon?]

4:13 to 4:34 a.m.	WHITEHOUSE	Barracough	<p>"Alright bro I'm leaving right now, you said you're at vine street?" "Or are you at your house" "Let me know asap cause I'm coming man" " So what's good bro you still need I'm on my way now so hurry bro" " I'm right by your house homie come on what's good" " Come outside hurry brotha" " Just come back out" [I'm leaving to deliver the narcotics. Are you at your house? Come outside I'm here. Come back outside.]</p>
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9. J.B.'s body was discovered at approximately 7:15 a.m.

10. On November 13, 2018, officers brought WHITEHOUSE to the Tooele City Police Department for an interview. WHITEHOUSE waived his Miranda rights and admitted he had gone to see J.B. the morning of October 7, 2018, to sell him heroin. WHITEHOUSE stated that when he arrived, J.B. only had \$13. WHITEHOUSE claimed J.B. went back inside his home to find more money. WHITEHOUSE said that as J.B. went to get more money, WHITEHOUSE divided the heroin into a smaller amount to sell J.B. \$13 worth of heroin.

11. WHITEHOUSE then claimed that after J.B. returned without more money, WHITEHOUSE decided instead to leave without selling J.B. anything. He further claimed he told J.B., at approximately 4:30 a.m., to instead buy heroin from a different residence in Tooele City.

12. J.B.'s phone, however, indicates J.B. had no further contact with anyone that morning.

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PROBABLE CAUSE RE: DISTRIBUTION AND POSSESSION OF CHILD

PORNOGRAPHY

13. During June 10, 2019, your affiant is aware that law enforcement met with Person A. Person A, disclosed that she had received communications from a stranger who sent her a naked photograph of herself from the waist up, and identified her last name, and other personal identifiers and stated he had obtained the photograph from a website, www.sextingpics.com. The picture of Person A was posted to the website on April 22, 2019, with the caption, “more pictures where that came from.”

14. Person A recognized the photo as one of several naked photographs, and photographs of her engaged in sexual activity that she had sent to WHITEHOUSE during 2012 when she was fifteen years old. Person A stated that WHITEHOUSE knew her age at the time and WHITEHOUSE had specifically asked her to pose in a certain sexually explicit positions to expose different parts of her body in the pictures. Person A said she sent WHITEHOUSE over 50 pictures of herself in various forms of undress at that time, including fully nude photographs. She also recalled her age being fifteen years old at the time because the appearance of her hair in the photograph reflected her hairstyle at fifteen. Person A also stated she had recently obtained a protective order against WHITEHOUSE because he had been following her in his car.

15. In July, 2016, an individual with a personal relationship with WHITEHOUSE, posted on Twitter that this individual and WHITEHOUSE possessed naked photographs of Person A.

16. On July 9, 2019, law enforcement officers executed a search warrant at WHITEHOUSE's residence. Forensic review of the digital media seized from the WHITEHOUSE residence uncovered the photograph that Person A had been sent by the stranger and had been posted on the sextingpics.com site. The forensic review of WHITEHOUSE's digital media also revealed that he had retained seven naked photographs of fifteen-year-old Person A. Forensic review of WHITEHOUSE's digital media indicated that user name "andrewtw" had visited the sextingpics.com website, specifically the area within the site called, "Hunter W Tooole" on April 23, 2019.

17. I swear that this information is true and correct to the best of my knowledge, information, and belief.

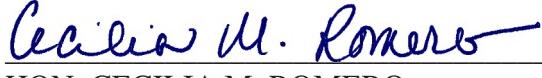
DATED this 28 day of May, 2020.

JASON SPENCER
(Affiliate)  Digitally signed by JASON SPENCER (Affiliate)
Date: 2020.05.28 11:31:48 -06'00'

Jason R. Spencer
DEA Task Force Officer

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1.

SUBSCRIBED and SWORN to before me this 28 day of May, 2020.


HON. CECILIA M. ROMERO
United States Magistrate Judge